

**MINUTES
CORRECTIONS STANDARDS AUTHORITY MEETING
THURSDAY, MARCH 11, 2010
600 BERCUT DRIVE
SACRAMENTO, CA 95811
(916) 445-5073**

Meeting held at: Corrections Standards Authority, 660 Bercut Drive, Sacramento, CA 95811

Mr. Matthew Cate, Chair, welcomed everyone to the March 11, 2010 Corrections Standards Authority (CSA) meeting. Mr. Cate asked everyone to stand for the pledge.

Mr. Cate asked Ms. Krysten Meyer, Executive Assistant to call roll.

The following members were in attendance:

Mr. Cate	Ms. Silva	Ms. Biondi	Ms. McBrayer
Mr. Kernan	Ms. Campbell	Ms. Epps	Ms. Minor
Mr. Warner	Mr. Ingrassia	Mr. Adams	
Ms. Arnold	Mr. Crowder	Mr. Townsy	

ABSENCE OF BOARD MEMBERS

Ms. Krysten Meyer announced the absences of the Board members and the reason for their absence.

Mr. Prieto, Mr. Baca, Ms. Bates, Ms. Penner and Ms. Silbert had prior commitments. There was a quorum.

Mr. Wilson, Executive Director, CSA, provided the Board with an update.

A: CONSENT CALENDAR:

APPROVAL OF THE MINUTES OF THE SEPTEMBER 10, 2009 MEETING, APPROVAL OF THE MINUTES OF THE NOVEMBER 19, 2009 MEETING, LOS ANGELES COUNTY JUVENILE HALLS UPDATE ON CROWDING, SASCAMENTO COUNTY YOUTH DETENTION FACILITY UPDATE ON CROWDING, 2010 FEDERAL JUVENILE JUSTICE GRANT APPLICATIONS, ASSEMBLY BILL 900 JAIL CONSTRUCTION FINANCING PROGRAM UPDATE, SENATE BILL 81 LOCAL YOUTHFUL OFFENDER REGABILITATIVE FACILITIES CONSTRUCTION FINANCING PROGRAM SITE ASSURANCE, & ASSEMBLY BILL 900 2007 LOCAL JAIL CONSTRUCTION FUNDING PROGRAM REGULATIONS REVISION

(AGENDA ITEMS A-1, A-2, A-3, A-4, A-5, A-6, A-7, & A-8)

Mr. Wilson stated that Staff wanted to make a change to Item A-2 and asked Ms. Meyer to explain the change.

Ms. Meyer, Executive Assistant stated that the 2nd to the motion on Item A-2 was changed from Ms. Penner to Eleanor Silva. Ms. Penner abstained from voting on the item.

A motion to accept items A-1, A-3, A-4, A-5, A-6, A-7, A-8, and Item A-2 with the change to the 2nd on the consent calendar was made by Ms. McBrayer and seconded by Ms. Arnold. The motion carried.

Mr. Cate asked for comments. There were none.

B: DISCUSSION CALENDAR:

STATE SELECTION AND TRAINING STANDARDS PROJECT: CORRECTIONAL OFFICER ACADEMY AND OFF-POST TRAINING STANDARDS, SELECTION EXAM, HEARING AND VISION STANDARDS, PAROLE AGENT JOB ANALYSIS UPDATE (AGENDA ITEM B-1)

Mary Wakefield presented this item which provides an update on the State Selection and Training Standards project that is being conducted by the Standards and Training for Corrections Division. In December 2007, CSA staff completed the job analyses of the correctional officer, youth correctional officer, and youth correctional counselor. Based on the results of that job analysis, Basic Correctional Officer Academy and annual training standards for the state correctional officer classification were completed in December 2009 and the report is currently under administrative review. CSA is mandated by penal code to establish and monitor minimum training standards for local and state correctional officers. These standards are based on the core tasks identified in a job analysis. CSA has proposed approximately 375 hours of curriculum for the state basic correctional academy based on the identified correctional officer core tasks. The current basic academy contains 640 hours, again, as required by the penal code. The difference in hours is based on training that is departmental specific and not necessarily tied to core tasks. These classes may include orientation, on-site visits, and company meetings. CSA has also experienced this at the local level where core academy hours exceed the minimum requirements based on agency specific training needs. Additionally, the proposed academy curriculum contains 356 key learning topics to be covered during the course of study. The current academy covers all proposed key learning topics except 58. This is a difference of approximately 17 percent and includes five new classes. These classes are Hospital Coverage, Central File Review, Entrance/Exit Procedures, Escape Pursuit Procedures, and Mail Procedures. These total 11.5 hours of curricula. Based on a comparative analysis completed by the Office of Training and Professional Development, CSA estimates that approximately 44.75 hours of the existing academy will need to be revised in order to meet the new standards. This represents approximately 7 percent of the existing academy. Based on the OTPD analysis and discussions with academy administration, an implementation date of March 2011 has been established. CSA has completed the field work and data collection for the state correctional officer hearing standard. The research team is currently in the process of analyzing those results,

developing the state hearing guidelines, and conducting an expert panel review. CSA plans to publish the state hearing standards in July 2010. For the local hearing standards, we held two Subject Matter Expert (SME) meetings in Orange County on February 24 and 25. Consultants and staff are currently conducting site visits and measurements at 10 local juvenile facilities and 20 local adult facilities. The Office of Peace Officer Selection (OPOS) continues to use the five versions of CSA's interim exam which contains pilot test items. The goal is to develop a permanent exam based on the CO/YCO/YCC job analysis. However, slow downs in hiring have impacted CSA's ability to collect sufficient data necessary for the statistical analysis to determine whether the items are appropriate for inclusion on the permanent exam. When enough tests have been administered to perform the appropriate statistical analyses, we will require an additional 6 months to develop and publish the permanent exam. In October 2009, CSA began a job analysis of the adult Parole Agent I classification. Staff conducted job observations at 8 parole offices throughout the state using information gathered from those job observations and from a literature search, we have developed a job analysis questionnaire which will be administered online to all Parole Agent incumbents and their supervisors later this month.

Ms. Wakefield asked for questions.

There was none.

ASSEMBLY BILL 900 OPTIONS FOR REMAINING PHASE I JAIL CONSTRUCTION FINANCING (AGENDA ITEM B-2)

Leslie Heller presented this action agenda item as a follow up to issues raised at the previous CSA meeting in November, primarily addressing the issue of remaining AB 900 Phase I funding authority. At the November meeting a conditional jail construction award was granted to Solano County by the Board, in response to the second Phase I Request for Proposals that had been issued, and the Board was advised there still remains \$132,881,779 in Phase I authority unallocated to any particular county. Public comment on this subject ensued from currently awarded counties, and as the Board had heard in previous Board meetings as well, counties have expressed their interest in having the remaining funds disbursed amongst those currently awarded to assist with reducing the county's contribution to the project. The Board then discussed what to do with the remaining funds, with the end result being direction given to staff to report back to the Board on its options. Ms. Heller provided comment on a few other topics that were raised at the last meeting in discussion relative to AB 900. Mention was made of the 5 – 15 foot buffer between state funded jail projects and other structures on the property. This broadly stated requirement entered this process from the start and as direct result of the lease-revenue bond financing and the State Public Works Board process. The state stakeholders outside of CSA that are involved with this issue have committed, and have done so most recently in the AB 900 Contractual Agreements Workshop for counties held on February 25th, to reviewing each counties needs on a case-by-case basis to determine where flexibility exists while still meeting bond financing needs. Additionally, staffing and operating jail facilities within 90 days was another issue raised. While the 90 days is a requirement in the legislation, CSA staff provided a letter to the State Sheriff's Association on February 9th clarifying the staffing requirements within the context of the

law, and we believe that issue is satisfactorily resolved at this point. Lastly, in their public comment counties had requested a match reduction, directly tied to the issue of receiving greater state dollars in exchange for what would not be provided in match dollars.

Due to the connection between reducing a county's match amount while increasing the state dollar award amount, at this point CDCR Legal Counsel Mike Davis addressed the Board as to the legal perspective on the further distribution of state dollars to currently awarded counties. Mr. Davis stated that in the opinion of Legal, allocating the remaining amount of the \$750 million to the conditional awardees would invite a lawsuit and it would not be the advice of counsel to take that course of action.

Ms. Heller further commented that in terms of options the Board may consider with regards to the \$132 plus million remaining in Phase I funding, one option could be to consider an additional Request for Proposals process, essentially a Round 3, although the Board is aware that the recent RFP released in July resulted in one proposal being submitted. This may not be a productive avenue to pursue at this point in time. Another potential would be to take no action at this point with the remaining funding authority, and keep an eye towards Phase II of jail construction funding authority. As a related side note, there currently exists a bill (AB 1768) in the legislative process that seeks to amend the ways in which counties would be able to meet the reentry siting requirement in Phase II, essentially providing options to the counties. Should this bill pass it could change the landscape somewhat, having the potential for an increased number of counties participating in the AB 900 process. Staff recommends to the Board this last option of taking no action at this point in time with the currently unallocated Phase I funding authority.

Mr. Cate asked if there would be a risk associated with distributing additional funds and interfering with the jail construction process for counties who have already received funding.

Mr. Davis replied that if we did get involved and a lawsuit prevailed it could certainly put a hold on AB 900 as a whole while the decision is decided.

Ms. Campbell asked if it would be fair to roll the additional funding into the 2nd Phase and asked if it would be legal.

Mr. Davis replied that it's not legal at this point and that doesn't mean there couldn't be legislation introduced to allow that but that as he understands that currently in AB 900 there is no mechanism to roll over the 132 million into the next phase. He also stated that he thinks it's important to understand that the \$132 million is not sitting; the legislation speaks to selling bonds up to 750 million dollars through lease revenue financing and so it's not really a question of money that is available to us.

Mr. Cate added that Ms. Campbell's question reminded him of options that were before the Board at a prior meeting. One of the options was to redistribute the funds and lower the match which Mr. Davis just described some legal concerns with. The 2nd was to roll into phase II. The 3rd would be for an RFP to occur. The 4th would just be to leave it sit. As Mr. Cate recalled there's AB 1768 that would amend the requirements in phase II for which counties are eligible, indicating there could be a vehicle for changing the utilization of the remaining funding authority if the Board wanted to do that.

Ms. Heller replied that AB 1768 does seek to make some amendments to the way counties would meet the reentry siting agreements and does have potential to change the landscape and bring more counties into the fold, in terms of the AB 900 process bringing more jail beds and more reentry beds. To do nothing with the money now would be fine but it might be prudent to look towards having it roll in to the 2nd phase of funding. To issue another RFP right now probably isn't a prudent choice because CSA just finished round 2 and that brought in one proposal so it appears the market is saturated at this point.

Mr. Cate asked if any counties have stepped up and said they would be interested in a round 3?

Ms. Heller replied, not at this point.

Mr. Warner asked if there was a 3rd RFP process could the scope provide an opportunity for those counties pending their phase I or II to enhance their proposals.

Mr. Davis replied that it was the decision of legal counsel that you could not hand out the additional funds to the other conditional awardees without any bargain for consideration. What you're proposing would be if these other conditional awardees pursuant to Round 3 were to look to bringing more to the table or bargain for more reentry beds and more jail beds. Recognize though that in terms of jail beds they are limited to the 2011 projection in what their counties' needs are.

Mr. Warner stated that there are ways of doing it where you could rate the proposals of those new counties that would come in and also allow other counties. You would need to have some type of procurement process associated with that.

Mr. Townsy asked how the additional \$132 million would affect Phase II.

Ms. Heller replied that there is 470 million in Phase II which we do not currently have authority to access, meaning that legislative action could raise the remaining funding into Phase II and increase the 470 million.

Mr. Davis added that AB 900 talks about a series of milestones you have to meet in Phase I to move into Phase II. As far as he understands those milestones, jail beds and reentry beds can be met with the current \$618 million that's already been allocated.

Mr. Cate asked Ms. Heller what she meant about looking towards rolling the funds in to Phase II.

Ms. Heller replied that it would take legislative action.

Mr. Cate asked what the Board would need to facilitate that.

Ms. Heller replied that the Board would need to work through the office of Legislative Affairs.

Ms. Campbell asked if the Board should make a motion to have staff work in that

direction.

Ms. McBrayer suggested looking at a 3rd Phase of funding rather than excluding existing counties so that we could look at another release of dollars, then counties who are looking for the dollars now could actually apply for those in a 3rd phase. So it would actually get the dollars out and allow them to be released earlier.

Mr. Warner stated that we could open funding for new counties and then allow others to enhance their proposals based on the criteria established.

Ms. McBrayer added that Mr. Warner was correct and then we could simultaneously be looking legislatively if all those dollars are not used we could still look to roll the remaining of the 132 million into Phase II.

Mr. Cate asked if there was an opinion from bond counsel on whether that would put in question the viability of our bonds. Mr. Cate stated that he has a very strong concern about doing anything on the Board the would give the Attorney General Bond Counsel the slightest concern about the viability of selling bonds behind the Boards actions because he's experienced first hand that if counsel has those concerns the process is frozen.

Mr. Kernan added that we could do nothing and let them sit. We've gone through 2 procurements and have what we now have. Why can't we as the Board just let them sit there?

Mr. Davis replied that he doesn't think that the status we're at now will impede us with the 618 million dollar allocation but that he thinks it's going to impede us towards Phase II with a lot of expenses we will have to meet.

Mr. Cate added that the lawyers from the Department of Finance could let us know if the concerns are valid but that in the meantime the legislation is going forward. We could as Ms. Campbell suggested, note that the majority of members are interested and support such a ruling. It would just be an advisory vote and wouldn't have any force or affect of law, it would just be that we know the funds are there and encourage the legislature to utilize them perhaps in phase II, that's an option as well. Or we could stay the matter another meeting to see if there's a better idea that hasn't been thought of.

Ms. Heller stated that Staff's recommendation would be to do nothing right now.

Ms. Campbell asked if there's a possibility to lose the money if it's just sitting.

Mr. Davis stated that 2017 is the expiration of the funding so we're not in imminent danger of the 750 million being pulled out from under us because we're being perceived as being dilatory.

Mr. Cate stated that the Board has a motion by Mr. Kernan to let the matter rest for now in order to not interfere with the current RFP or the bonds being sold for the counties who have been awarded funds. Obviously this doesn't impact our ability in any way to raise the issue again to be handled in a different way at a different meeting.

Mr. Cate asked for any further discussion from the Board or Public.

Nick Warner, Legislative Director, California State Sheriff's Association stated that he appreciated the comments by the Board and the Chair. He added that if he could get a vote from the Board to support AB 1768 with urgency not necessarily to the letter of what's in that bill today but to spur alternate ways of getting shovels in the ground.

Dennis Downum, Sheriff, Calaveras County stated that the one thing he was hopeful would be discussed today with the remaining funds was the possibility this board could decide to fund design to greatly enhance the funding for successful counties.

Mr. Cate asked for further discussion.

There was none.

Mr. Cate stated that his recommendation would be that the Board addresses the issues that were raised at the next meeting. Mr. Cate stated that he would like to hear from counsel on the issue of paying for design. As to Mr. Warner's question, I'm definitely in favor of trying to expand reentry that's what we're about. It would be nice to know a little more about what the language says before we take a vote on it. Mr. Warner suggested we could note this as an action item and we would have to do that in order to take action on a new item, so unless I hear a descending view on that I think this would be noted as an action item related to the new quorum of AB 320 for next time.

Mr. Davis, Legal Counsel, stated that it's true the AB 900 statute allowed for the payment of design costs for participating counties but what the CSA Executive Steering Committee did and the Board gratified was to engage in a competitive bidding process by the issues of the request for proposals, an RFP and the decision was made to go as far as possible with the money that was allocated and that decision was made to just allow for the state to finance construction costs. So because we've been marked on a competitive bidding process and have had proposals submitted competitively and graded, we now have an ordered rank and a deal struck between the State and Counties as to what the counties are going to provide in terms of a hard and soft match that the state is going to provide in terms of construction costs up to maximum state financing. Mr. Davis commented that in essence, Sheriff Downum's recommendation is the same one in terms of redistributing the excess funds.. It's just providing more specifications saying we'll redistribute the funds for a purpose that was recognized in AB 900. In AB 900 it was directory language, it was saying that the CSA Board can finance design and construction all within the CSA Boards' authority on the recommendation of the ESC. They truncated that to allow more counties to participate in the hopes of getting more beds. So to step away from that or to change that would be problematic with the contract law and potentially set us up for a lawsuit in his opinion.

Mr. Cate stated that there isn't an action item on this particular item but that maybe the best solution is to work offline with the Sheriff on this legal issue and if the Sheriff and his Counsel have different views and we find a way around this problem we can address it.

Mr. Cate asked for any addition issues on this item.

There was none.

A motion to let the matter rest was made by Mr. Kernan and seconded by Mr.Ingrassia. The motion carried.

**SENATE BILL 81 2007 LOCAL YOUTHFUL OFFENDER REHABILITATIVE
FACILITIES CONSTRUCTION FINANCING PROGRAM EXECUTIVE STEERING
COMMITTEE SPECIAL SESSION (AGENDA ITEMS B-3)**

Charlene Aboytes presented this agenda item which provides the Corrections Standards Authority Board with the recommendations from the Senate Bill (SB) 81 2007 Local Youthful Offender Rehabilitative Facilities Construction Financing Program Executive Steering Committee's (ESC) Special Session. The 2007 Budget Act, signed by Governor Arnold Schwarzenegger in August 2007, included \$100 million in lease-revenue bond financing to implement the Local Youthful Offender Rehabilitative Facility Construction Financing Program. At the March 19, 2009 meeting, the Board accepted the SB 81 Local Youthful Offender Rehabilitative Facilities Construction Financing Program Executive Steering Committee's recommended funding list for proposals and provided conditional awards to the six highest ranked counties: Alameda, Stanislaus, San Luis Obispo, Monterey, Tuolumne and Shasta. Alameda, Stanislaus, San Luis Obispo and Tuolumne counties were fully funded. Monterey County and Shasta County received only partial funding due to being at the cutoff point in available funding within their respective set-asides. Citing fiscal constraints, Monterey County subsequently declined the funding. Shasta County accepted the conditional award partially funding their project (they were awarded full funding at the July 2009 CSA meeting). Because Monterey County declined the financing, Santa Cruz County was offered and subsequently accepted the conditional award fully funding their project. With the above counties fully funded, approximately \$1.4 million remained to partially fund the counties that remained on the ranked ordered list shown on Attachment C (Santa Clara, Riverside, Los Angeles, Merced, Monterey, Humboldt, Yolo and Colusa). Each of these counties were offered the \$1.4 million, contingent upon their commitment to completing the project's full scope of work and providing the full match amount stated in their proposal. Each county declined citing fiscal constraints.

At the July 2009 Board meeting, during the discussion of Agenda Item J (SB 81 Policy Impacts and Options), the SB 81 ESC was directed to reconvene in response to a letter from the Chief Probation Officers of California and a letter from Riverside Chief Probation Officer Alan Crogan. The essence of their letters was to request the support of the CSA Board in the Chief Probation Officers of California's effort to seek legislation to fully fund the unfunded SB 81 projects for the eight remaining counties (this totals over \$132 million in additional lease-revenue bond financing requests). The purpose of the ESC meeting was to facilitate a discussion, with public comment, and to develop a recommendation for this Board meeting to either support or not support the Chief Probation Officers of California's request for additional funding. On February 11, the ESC met in a public forum in Sacramento. Ms. Aboytes thanked Chief Penner, Chief Arnold and Ms. Biondi and all the committee members for their continued support throughout this process. A brief history of the SB 81 Local Youthful Offender

Rehabilitative Facility Construction Financing Program was provided to the committee. One of the committee members reminded the group that when SB 81 first originated, the legislation authorized \$400 million in lease-revenue bonds. After discussion, the committee unanimously accepted the first motion to request the CSA Board support the Chief Probation Officers of California's effort to request the Legislature fund the SB 81 Local Youthful Offender Rehabilitative Facilities Construction Financing Program projects an additional \$300 million in lease-revenue bonds. In anticipation of a favorable outcome of that request, the group explored how the additional lease-revenue bond financing could be dispersed to the eight remaining counties and any new counties that wished to apply. Most of the ESC members advocated allowing those eight counties that have submitted proposals, but were not funded, to be funded based on their previously submitted proposals. After considerable discussion, the committee's second motion was, in the event that the Legislature authorized an additional \$300 million in lease-revenue bonds, to recommend to the CSA Board to fund the proposals from the remaining eight counties and convene an ESC to develop another Request for Proposals (RFP) for additional counties to apply for any remaining funds. (The meeting minutes were provided in Attachment B.) Ms. Aboytes concluded the presentation by providing the following staff recommendations: that the Board accept the Executive Steering Committee's recommendation to support the Chief Probation Officer's of California's effort to fund SB 81 Local Youthful Offender Rehabilitative Facilities Construction Financing Program projects an additional \$300 million in lease-revenue bonds; that if funds become available, the Board accept the Executive Steering Committee's recommendation to conditionally award the previously submitted, but unfunded proposals for SB 81 projects; and that if funds become available, the Board accept the Executive Steering Committee's recommendation to convene a new Executive Steering Committee to develop another RFP for additional counties to apply for any remaining funds.

Ms. Aboytes asked for any additional questions.

Mr. Warner asked how many beds are funded in the \$100 million.

Ms. Aboytes replied that she would get back to him on that question, but that the focus of the RFP was not adding beds.

Mr. Warner asked if the RFP's had to show a correlation between the populations that would normally go to DJJ.

Ms. Aboytes replied that many of the proposals emphasized that but there was no requirement to show a correlation between populations. She said that there were requirements for alternatives to incarceration and that points were given to those kinds of categories but she couldn't recall if there was anything specific to the number of kids that would have gone to DJJ.

Mr. Warner concluded that the actual funding at an enhanced level can't be necessarily demonstrated to SB 81 itself in checking the population.

Ms. Biondi said that because these proposals came in two years ago and the financial landscape has changed dramatically and leadership has changed, she would like to add to this that it would be possible for those eight counties to modify their proposals but not exceed the amount of financing they asked for subject to CSA approval.

Ms. Aboytes replied that would be reflected in the minutes of this meeting and was an issue that would be going to the ESC in the event that those funds came to \$300 million.

Ms. Biondi asked if that shouldn't be included it what in the action that is approved today? She also stated that if \$300 million is forthcoming, then the other counties would have a shot at the \$150 million and that would be unfair; but if only \$150 million is voted on and approved by the Legislature that means we would just move on with the \$132 million and she wasn't sure that's really unfair to the rest of the counties at that point. Her third point was that when the ESC was instructed about how to grade the proposals they were never instructed on how they should rate a proposal that is really unworthy to be funded and represents a facility that isn't needed by the county or isn't rehabilitative. She felt at least one of the proposals that was the lowest ranked one probably should have been ranked as not worthy had we had that option.

Ms. Aboytes stated that during the RFP Rater's Training for the ESC, Dr. Kohls urged the committee to use the whole range of points. He had another chart where the rater could write down where they scored each proposal so they could see that the points were spread across the entire range. He talked about the need to score a proposal high if it is very good and low if you think it's bad. What wasn't discussed in the training is what to do if a proposal just is not worthy.

Ms. Biondi added that she would like to put those on the table and would like to move that the second recommendation be amended so that counties who are going to be prioritized to submit proposals be allowed to modify their proposals subject to CSA approval and not to exceed the amount of financing that they originally requested.

Ms. McBrayer suggested that counties are going to have to modify their construction proposals due to construction cost increases because just from when they submitted their proposal to now is a significant time frame.

Ms. Aboytes added that it takes a great deal of money for counties to put together proposals so one of the topics of discussion is the cost that is involved in putting together their proposals.

Ms. Biondi added that they certainly don't have to modify their proposals if nothing has changed; if they have the same leadership that sees it the way it is. However, in one situation the leadership that created the winning proposal is now in different place and probably certainly wouldn't build what was submitted for that county. If the Board goes the route of giving priority to proposals, she thought there are many compelling reasons why they should be allowed to modify their proposals; but they certainly don't have to.

Ms. Epps asked Mr. Davis if once an RFP is released and awards have been made and it's changed because the amount money and cost may be different, will that cause a problem with the competitive process that was initially approved? Can the Board say ok, you were the selected people who got the award and now you get to go ahead and fix up your proposal? Are there some legal ramifications with that?

Mr. Davis replied that Ms. Epps was touching on his thought and that she's absolutely right. The RFP was graded on a point level. So without having to look at the specifics

that were proposed, it runs into the same problems as a competitive bidding process where awards were made based on the scores. It is implicit in really anybody's contract that things may be different down the road.

Ms. Biondi replied that if all the projects were being funded then it doesn't make any difference on where they were actually rated.

Ms. Epps indicated that if a county that participated in the competitive process and declined funding or was not funded, they should be given the opportunity to make changes to scale down their project if those counties that were awarded were given the opportunity to modify their original RFP.

Ms. Biondi replied that if the newly funded counties were allowed to modify, we would certainly have to allow counties that were funded to modify as well. It's like Ms. McBrayer said, the declining financial situation has been one of the most dramatic changes we've seen in a long time. So that's a great point that you would have to allow those who have been awarded to modify as well.

Mr. Wilson stated that with this particular issue there are two components; one is should the CSA Board essentially go along with the context of requesting more money, and the next part would be if that were to happen what would we do with the money? Additionally, what we would offer, from a staff perspective, if there's remaining intention on what we'd do with the money? We'd have the option of addressing that portion at a later time if, and when, the money would actually appear.

Mr. Cate replied that what Mr. Wilson said makes sense but that he didn't think that the discussion on the second issue would have to be abandoned just yet. We could take the first issue up and then address the second issue at another meeting. It seemed to him that the difference here is that the Legislature can fix the situation as opposed to the CSA Board changing the process.

Mr. Warner stated that the legislative intent around this was to deal with displaced population that would normally go to the State, but is now going to the county. What is different from AB 900 is there is no unexpended money. The \$100 million was allocated to those successful recipients. As a Board member he supports the Board going forward with funding solutions to improve juvenile justice facilities because many of them have evidence-based practices that have changed and populations have changed. He felt that wasn't necessarily done around SB 81 and it was looked at it more broadly about where the needs are in the entire continuum. Certainly speaking from the State's side of having facilities that are 50 or 75 years old and a much different population, his department would want to be eligible for any future procurement process to say "here is what our unmet needs are as well." He supports funding juvenile facilities around principles similar to AB 900 but doesn't know if he'd necessarily tie it to legislation three years ago that shifted a few hundred youth that would normally have gone to DJJ who are now part of county populations if that was a small part of the rating process for the proposals. It isn't relevant to the type of beds we need in the juvenile justice system.

Ms. Arnold added that on behalf of Chief Probation Officers, and as a Probation Chief, we are merely stating that as a result of SB 81, there is not sufficient funding to provide housing for all juveniles that will possibly come to counties. There are still several

counties that do not have juvenile halls and in order to do this job we need to have adequate funding to have the spaces for our kids. Evidence-based practice has changed the design of how we may be doing business. We absolutely need that funding.

Ms. Biondi stated that she would have to think that these would need to be in compliance with current Title 15. If a county is not using all of their detention beds, they are not allowed to build another, larger detention facility. In the past, there hadn't been enough money, so the worst project wouldn't get funded. The whole process needs to be redone unless we are going to let the counties modify their proposals because at least one of them shouldn't have been funded.

Mr. Cate stated that four of the nine ESC members are Chief Probation Officers and that he believes that everyone would agree that we need more funding. He has two concerns. Overall, he recognizes that our bond obligations as a state go up and up and the other is that very often, he tours state facilities and sees the decrepit nature of our 1950's facilities where we're treating offenders with the greatest risks and greatest needs and see those go unmet. This comes down to a public safety issue and if we don't address the situation with our at-risk youth adequately, then that is going to result in additional victimization and filling up of the prisons and so forth. He stands in favor of recognizing the need for additional funds and passing the details of how it will work to the future.

Mr. Cate asked for comments.

Brian Cooley, Chief Probation Officer, Merced County, said that Merced County originally stated a need for 240 beds but actually built 120, so they are behind to start with. What happened with the DJJ release, and Merced County was one the largest contributors to DJJ per capita, the county developed programs within our institution to house these same wards. The problems will really show up not when they are released, but now, and maybe a year from now. Those bodies are eating up bed-days. The county developed a long-term treatment program of a year; the County has not had programs like that before. They raised the age limit and accounted for that population. His facility is now filling up and that is caused by those long-term treatment beds. Their proposal was to build a camp facility adjacent to their detention facility which would take care of their population. No shovels have gone in the ground on the other projects; if there's a reallocation of money, all the projects might all be on the same track here. He would be concerned about the modification issues because everybody competed on one level, at one point in time, to change the rules would jeopardize the entire process.

Ms. Biondi said that what has been proposed here is that all of them would be funded so that they are not in competition with each other at all. She thought she heard Mr. Cooley say is that if he had the opportunity now, in two years his needs may be quite different.

Mr. Cooley replied that no, the original proposal would be exactly what they still want and that he would be really concerned with changing rules mid-stream and then having somebody mess up the whole process and put a stop to the counties that were funded. The county did spend a lot of money on their project to put it all together with the needs assessment others have as well.

Manual Real, Chief Probation Officer, Monterey County, stated that he agrees with Mr. Cate's comments about this really being a public safety issue. Counties see these youth at

the front end of the system. Monterey County is blessed with a number of alternative and rehabilitative programs. He added that what his county really needs is a decent facility where the process starts; where the greatest impact can be made with families in crisis; where we can start the type of evidence-based programs that can carry over when the minors are released back into the community. That is a tremendous need for his county. Their needs assessment indicated a much higher need for beds; something like 230 beds and they proposed to build 150 beds. With alternative programs and best practice models, he believes that 150 beds will be sufficient. The DJJ alignment really has had a large impact on the county and they are full to capacity. The county is dealing with many issues and has tremendous needs.

Mr. Warner asked if staff is recommending all three recommendations or if they are separate.

Ms. Aboytes stated that the agenda was written with three separate recommendations, but it certainly makes sense to pull them apart. The first recommendation was that the Board accept the Executive Steering Committee's recommendation to support the Chief Probation Officer's of California's effort to fund SB 81 Local Youthful Offender Rehabilitative Facilities Construction Financing Program projects an additional \$300 million in lease-revenue bonds.

Mr. Warner restated Ms. Biondi's point: that would be all proposals, full funding, but not necessarily evaluating them based on a demonstrated need.

Ms. Aboytes clarified that the \$300 million gets to the original intent of the Legislation of \$400 million. Because the \$300 million would be in addition to the existing \$100 million, all projects that submitted proposals would be funded. There would be remaining funds for counties to apply for with a new RFP process.

Ms. McBrayer said it was her understanding that \$132 million was needed to fully fund the eligible counties. CPOC has said that is great but they would like to go back to their original request for \$400 million. If \$300 million was requested, of that \$300 million, \$132 million would go to the existing counties. So there would still have \$170 million for additional counties to come back and apply.

Mr. Cate stated that his opinion would be to take on the first staff recommendation and then address the other two through the ESC and CSA process if given that discretion by the Legislature.

Ms. Biondi stated that she would like to add that it should come back to the Board at the time that it is approved. At that time the level of funding would be known. Perhaps that could be added at the time the amount is determined it would come back to the CSA.

Mr. Warner asked if it was staff's interpretation of the first recommendation that it would only allow funding for facilities at the county level.

Ms. Aboytes indicated that was the way the proposal was written – it wouldn't be changing the proposal. She added that this recommendation is only asking the Board to support the Chief Probation Officers request for support. It would be the Chief Probation Officers or someone else asking for that legislation. The Chief Probation Officers would

need to seek someone to carry legislation requesting \$300 million. The ESC is just seeking this Board's support in that request.

Mr. Warner stated that he would support the Board advocating the \$300 million in lease-revenue bonds and would support the ESC reconvening to determine eligibility and criteria around that. He believes there are unmet needs.

Mr. Wilson asked how soon CSA would be expected to reconvene the ESC; the CSA has funding constraints that would affect the timeline.

Mr. Warner replied that if we are looking at requesting funding from the Legislature this year, it would need to be done within a month or so.

Mr. Cate stated that it could be simplified by saying that the Board supports additional funding in the amount of \$300 million in lease-revenue bonds to address the issues that were raised by the Probation Chiefs and others around the needs for juvenile offenders in California rather than saying we only support CPOC's version of what that might be. Mr. Cate recognized CPOC as a powerful advocate for addressing this need.

Nick Warner, on behalf of the Chief Probation Officers of California, clarified that they are not asking this Board to support a bill. They are asking this Board to recognize through a motion that there is a need for this funding up to \$400 million; they are not asking for regulatory changes. They are simply stating there is a need. He recognized that this is not the best time to ask for \$300 million in this fiscal environment. His group respectfully request this Board recognize that this is a valid issue and support the fact that there is a need for additional funding in this area.

Mr. Cate restated the motion that CSA will recognize the need for the full \$300 million in funding for juvenile programs and housing at the state and local level.

A motion for CSA to recognize the need for \$300 million in funding for juvenile programs and housing at the state and local level was made by Ms. Biondi and seconded by Ms. Campbell. The motion carried.

YOUTHFUL OFFENDER BLOCK GRANT

(AGENDA ITEM B-4)

Marlon Yarber presented this agenda item which requested Corrections Standards Authority Board approval of the Youthful Offender Block Grant (YOBG) Executive Steering Committee (ESC) recommendations regarding statewide administration of the Program; the annual application required of counties describing how funds will be used locally; and the reporting strategy and forms for both outcome measures and expenditures. The YOBG now provides \$93.2 million annually to probation departments in support of the juvenile offender population realignment that began in 2007. Section 1961 of the Welfare & Institutions Code states that, "...block grant funds shall be used to enhance the capacity of county probation, mental health, drug and alcohol, and other county departments to provide appropriate rehabilitative and supervision services to

youthful offenders." I should note that the statewide allocations have grown since inception, originally: \$22.6 million in FY 2007-08, then \$66.2 million in FY 2008-09. There is an expectation funding will continue at the \$93.2 million level going forward. In addition to comments and suggestions regarding the application and annual reporting, the ESC has also recommended that the Board authorize staff to conduct the review of the annual plans (similar to how we administer the Juvenile Justice Crime Prevention Act) with the caveat that compliance issues be heard by the Board as necessary. If approved today, staff plans to immediately notify counties of the new requirements for the YOBG Program with announcement by Monday, March 15 hopefully at the latest. You may recall with the signage of Senate Bill 13 of the 4th Extraordinary Session on July 28, 2009, there were significant changes to the YOBG Program – resulting in expanded oversight of the program's administration by CSA. Three significant changes resulted: 1) Counties are now required annually to submit Juvenile Justice Development Plans to CSA by May 1st detailing their plans for expenditure of the funds in the subsequent year. 2) Counties will also report annually to the CSA on actual expenditures (including per capita costs) and performance outcome data by October 1st. 3) CSA is now be required to report to the Legislature annually by March 15th on statewide expenditures of the Block Grant as well as outcomes for youth receiving Block Grant funded services.

To oversee the implementation of the legislative changes this Board authorized establishment of an Executive Steering Committee (ESC) comprised of a cross-section of stakeholders and subject matter experts. The ESC was co-chaired by CSA Board members Carol Biondi, Kimberly Epps and Chief Linda Penner. The ESC held four full meetings (and one data subcommittee meeting) and played a key role in clarifying the statewide reporting requirements as there was some thought that a report to the Legislature was due this March. We confirmed there was no intention for CSA to report this year - given that counties had not yet been informed of the reporting requirements and that this Board had not yet heard any staff recommendations regarding the same, and thus there were no systems in place to facilitate reporting. The ESC worked to streamline the requirements and focused a great deal of time on the reporting of outcome measures as that would likely be the most labor intensive of the new tasks.

Given the broad flexibility with which YOBG funds could be used – the ESC felt the traditional program-based outcome reporting would be difficult to measure and has instead recommended counties report on individual performance outcome measures. To accomplish the task, the ESC and CSA staff plans to utilize the Department Of Justice Juvenile Court and Probation Statistical System (the JCPSS system) to select a representative sample of 1,000 felony-adjudicated youth each year to serve as the basis for evaluating the program. This would allow for CSA to measure the impact of YOBG-funded programs, placements, services and strategies in a streamlined fashion without requiring counties to report data on the many thousands of youth that may have received some degree of YOBG-funded services each year. This population was selected as they were most likely the types of kids that would at some point be sent to DJJ, and they were those most likely to receive block grant funded services. The first representative sample will be drawn from the pool of youth with felony adjudications during Fiscal Year (FY) 2008/2009. Counties will be required to report to CSA by October 1, 2010 (annually thereafter) the services and outcomes applicable to these youth only. Results for each youth will be reported for either one year from date of adjudication (program services) or one year from disposition (outcomes). A new sample of 1,000 adjudicated felony youth will be drawn each fiscal year (i.e., the second sample will be drawn from all adjudicated

felons during FY 2009/2010). Each sample will only be tracked for one year (from date of adjudication and date of disposition) where applicable. It should be noted that the ESC felt strongly that in order to capture appropriate performance outcomes for the YOBG Program, the CSA would need to invoke a provision within the new legislation that allows the agency to alter the performance outcome measures from those currently written in the legislation (Welfare and Institutions Code (WIC) Section 1962 (e)).

For the sample of 1,000 youth, counties will report on a proportionate number of felony adjudications in their jurisdiction for services received and outcomes such as: school enrollment and completion; new felony adjudications or convictions (juvenile and adult court); and status regarding probation, active or not. The feasibility of the recommended reporting strategy on individual youth will depend on CSA's ability to access and transmit confidential data to and from the counties, as well as DOJ's capabilities with respect to extracting cases and providing sample and population characteristics for all adjudicated felons on a fiscal year basis. CSA staff continues to work with DOJ and the Department of Corrections and Rehabilitation (CDCR) Enterprise Information Services (EIS) staff to explore the software and security necessary to make this recommended approach (implicating web-based reporting) possible. The backup plan is much less sophisticated as it would involve CSA staff delivering encrypted data files on flash drives to each county to facilitate reporting.

The ESC also suggested that CSA staff be authorized to conduct the annual review and approval of the JJDP's (similar to CSA's administration of the Juvenile Justice Crime Prevention Act) as we could provide timely technical assistance and feedback to counties upon review. As the CSA has been authorized in the legislation to "monitor inspect...and enforce any violations of grant requirements" (WIC Section 1962 (b)) it would be incumbent upon staff to bring any county compliance issues before the CSA Board as necessary. Attached for review are the draft JJDP form, Actual Expenditure Report form, and Performance Outcome Measure form. Myself and Dr. John Berner, CSA Research Consultant were in attendance at the Chief Probation Officer's meeting yesterday and the presentation by Chiefs Jerry Powers and Linda Penner regarding the YOBG processes seemed to be received well. There are two staff recommendations for this agenda item:

- 1) Approve the Youthful Offender Block Grant Executive Steering Committee's recommendations for the annual Juvenile Justice Development Plan, actual expenditure and performance outcome reporting requirements.
- 2) Authorize staff to conduct the annual review and approval of county submitted Juvenile Justice Development Plans, provided that compliance issues are brought before the CSA Board as necessary.

Ms. Biondi added that the CSA has the authority to monitor, inspect and withhold funds and asked if there was a restricted amount that counties could use for overhead.

Mr. Yarber replied that there are no such limitations.

Ms. Biondi requested adding a line for community based organizations and to identify that this is rehabilitative dollars.

Ms. McBrayer made a motion to accept staff recommendations with the changes that Ms. Biondi stated to put in a line for community based organizations and to identify that this is rehabilitative dollars and also to recognize that if these plans are not in line that funds can be withheld.

A motion to accept staff recommendations and include the changes that Ms. Biondi requested as well as to recognize that if the plans are not in line that the funds can be withheld was made by Ms. McBrayer and seconded by Mr. Ingrassia. The motion carried.

C: PUBLIC COMMENT:

Mr. Cate asked if there was any public comment.

Tommy Escarcega, Get Out of Jail Vote, requested that some sort of language be issued to all 58 counties regarding access to vote and requested to be put on the agenda at the May meeting.

Mr. Wion stated that currently we have regulations that address that, which in essence requires counties to have policies and procedures that are in accordance with voter registration at a county level so it is in place now.

Mr. Cate asked if CSA or the Board has any role in enforcing that.

Mr. Wion replied that we inspect to make sure there is a policy in place. If there is not a policy in place then we would find the county out of compliance. We do not have authority to address how the county enforces their voter registration procedures.

Mr. Wilson asked Mr. Wion to explain the regulation revision process or when the next one is scheduled.

Mr. Wion explained the process to the Board and stated that the CSA hopes to start the process in approximately a year due to budget cuts.

Mr. Cate asked about the enforcement issue.

Mr. Wion stated that staff does a biannual inspection at which time they talk to staff and inmates to make sure that procedures are being followed.

Ms. McBrayer stated that she would like to see the 06-08 Inspection report showing how many counties are in or out of compliance.

Mr. Wion stated that he could bring that to the next meeting.

Mr. Cate thanked staff and called the meeting to a close.

Next meeting: Thursday, May 6, 2009 at 1:00 p.m. in Sacramento, CA.

Meeting adjourned at 2:57 p.m.

Respectfully submitted,

Originally signed by

KRYSTEN MEYER
Executive Assistant
Corrections Standards Authority

ROSTER OF PERSONS IN ATTENDANCE

CSA Board Members

Mr. Cate, Secretary, CDCR
Mr. Kernan, Undersecretary, CDCR
Mr. Warner, Chief Deputy Secretary, Juvenile Justice
Ms. Silva, Administrator, Juvenile Justice
Ms. Minor, Chief, Division of Adult Programs
Ms. Epps, Supervising Probation Officer, San Bernardino County
Ms. McBrayer, Executive Director, The Children's Initiative
Ms. Arnold, Siskiyou County Probation Department
Mr. Ingrassia, San Diego County Sheriff's Department
Ms. Biondi, Public Member
Mr. Adams, Yuba County Sheriff's Department
Mr. Townsy, Folsom State Prison
Ms. Campbell, Public Member
Mr. Crowder, Parole Agent

CSA Staff

Kurt O. Wilson, Executive Director
Krysten Meyer, Executive Assistant
Robert Takeshta, Deputy Director, CFC
Marlon Yarber, Deputy Director, CPP
Gary Wion, Deputy Director, FSO
Leslie Heller, Field Representative, CFC
Charlene Aboytes, Field Representative, CFC
Melinda Ciarabellini, Field Representative, CFC
Toni Gardner, Field Representative, FSO
Reizo Shibamoto, Information System Technician